IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2762 /2004

PETITIONER

M/s. Mahadeo Transport, Through Managing Partner, Mohd Hasan Khan, S/o. Ali Ahmad Khan, Aged about 48 years, R/o. Bus Stand Road Bilaspur (C.G.)

P. R. No. 2489/04
Presented by Shri Sandesh Gupta
dated 21.8.04

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through; Secretary Department of Transport, D.K.S Bhawan, Raipur.

2. State Transport Authority Chhattisgarh at Raipur.

3. State of Jharkhand, Through Secretary, Department of Transport Ranchi.

4. State Transport Authority, Jharkhand Ranchi.

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21/8/04
Clerk to A.G. Bilaspur

WRIT PETITION UNDER AKTICLE 226(1)(2) OF THE CONSTITUTION OF INDIA

(36)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition No.2762 of 2004

M/s. Mahadeo Transport

- Versus -

State of Chhattisgarh and three others

POST FOR ORDER ON 4th. Feb. ~~JANUARY~~, 2005

Sd/-
L.C.BHADOO
Judge

3rd.2.2005

(39)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Writ Petition No.2762 of 2004

M/s. Mahadeo Transport

- Versus -

State of Chhattisgarh and three others

Present: -

Mr. B.K. Rawat, Advocate: For the petitioner.

Mr. Pramod Kumar Verma, Addl. Advocate General: For the State/respondents No.1 and 2.

None for respondents No.3 and 4 in spite of service.

Mr. B.P. Gupta, Advocate: For the intervener.

O R D E R

(Passed on 4th February, 2005)

J. BHADOO, J.

1. Perusal of the petition reveals that the same has been filed for directing the State Transport Authority, Ranchi, Jharkhand, to countersign on the temporary permits granted in favour of the petitioner on the inter-State route from Bilaspur to Ranchi valid up to 31st October, 2004.

2. In the first instance, term of the permit has already expired, and even otherwise, vide letter dated 2.7.2004, the State Transport Authority, Ranchi, had already countersigned on the temporary permits. Therefore, the instant writ petition has become infructuous, and the same is dismissed has having become infructuous.

3. As far as the request regarding issuing writ of mandamus directing the States of Chhattisgarh & Jharkhand to enter into reciprocal agreement for creation of a route from Bilaspur to Ranchi under Section 88 (5) (6) of the Motor Vehicles Act, 1988, is concerned, the petitioner is a

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transporter, therefore, he is personally interested, as such, he has no legal right to seek such a relief. In the first instance, it is for the concerned States to consider the demand of public and to take a policy decision to create a route. In the matter of policy decision, no writ of mandamus can be issued, particularly on the request of an interested person who himself is a transporter and seeks permit for inter-State route from Bilaspur to Ranchi.

4. The writ petition is dismissed. No costs.

Sd/-
L.C.BHADOO
Judge

14.1.2005

[redacted]
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[redacted]